



TOWN OF FREETOWN
MASSACHUSETTS
Office of the Town Clerk

3 North Main Street
P.O. Box 438
Assonet, MA 02702
Phone: 508-644-2201; Ext. 2
Fax: 508-644-9826
www.freetownma.gov
townclerk@freetownma.gov

Cheryl C.A. Estrella
Town Clerk

August 24, 2021

Mr. James Frates, Chairman
Board of Appeals
Town of Freetown
3 North Main Street
Assonet, MA 02702

SUBJECT: CASE #593

Dear Chairman and Board of Appeals:

A petition for an appeal was submitted to the Town Clerk's Office today, August 24, 2021 by Danielle Goncalves for her property located at 186 ½ Braley Rd. (Map 252, Lot 38).

We are therefore submitting a copy of the petition to the Zoning Board of Appeals to schedule a hearing.

Sincerely,

Cheryl C.A. Estrella
Town Clerk

cc: Planning Board
Building Commissioner
Assistant Assessor
Town Administrator

Holmes Engineering

Byron R. Holmes, P.E.
Civil Engineering and Consulting

622 Berkley Street
Berkley, MA 02779

Phone: 508-880-6535
Email: Holmes@holmes.net

August 13, 2021

Freetown Zoning Board of Appeals
3 North Main Street
Assonet, MA 02702

RE: Variance Request
186½ Braley Road, Map 252, Lot 38

Dear Board Members,

Attached is a Request for Variance submission on behalf of Danielle Goncalves (formerly Oliveira) for property located at 186½ Braley Road. The application is to construct a single-family home on a parcel with adequate area but insufficient frontage.

Included with this submittal are the following.

- Three copies of application
- Three copies of proposed plan
- Three copies of Project Narrative
- Three copies of Zoning Determination
- Three copies of deed to property
- Three copies of Deed History
- Three copies of Certified Abutter List
- Check in the amount of \$270.00

Please forward all hearing notices and plan comments to the applicant's representative, Byron R. Holmes, P.E. at Holmes@holmes.net or at the above address.

Thank you for your consideration.

Sincerely,



Byron R. Holmes, P.E.



TOWN OF FREETOWN
COMMONWEALTH OF MASSACHUSETTS

June 30, 20 21

— Submit two original copies (original signatures) to the Town Clerk's office —

To the Board of Appeals:

The undersigned hereby petitions the Board of Appeals as follows:

Name of Petitioner: Danielle Goncalves

Mailing Address: 805 County Street, Fall River, MA 02723

Property Owner: Danielle Goncalves

Mailing Address: 805 County Street, Fall River, MA 02723

Property Address: 186-1/2 Braley Road

Zone: (R) B I 1/2 VR VB OSR Reg. of Deeds Book: 9761 Page: 324

Assessors Map # 252 Lot # 38 Area of Lot: 4.3 Acres

Frontage: 40 Feet feet

Nature of Relief Sought:

 Special Permit under Article , Section of the Protective By-laws.

✓ Variance from Article 11.3, Section A of the Protective By-laws.

✓ Appeal from a decision of the Building Inspector/Zoning Enforcement Officer, dated

 . (Please attach a copy.)

2021 AUG 24 PM 2:28

RECEIVED
TOWN CLERK
FREETOWN, MASS.

Danielle C. Goncalves

Provide a brief description of your proposal/request:

Request permission to build one single family home on a 4.3 acre lot with

40 feet of frontage. Lot exceeds minimum area and minimum non-resource area.

See attached narrative for additional information.

If your request is for a variance, you must indicate what your hardship is. A hardship may be based on the soil conditions or topography of your property, the shape of your property, or the locations of existing structures, wells, or septic systems on your property. Simply wanting something that is not allowed under the by-laws does not constitute a hardship. Please describe your hardship(s) below:

Shape of parcel allows for 2.7 times minimum area but lacks minimum frontage.

See attached narrative for additional information.

If your request is for a special permit for an accessory apartment, you must provide the following information:

Square footage of existing home: _____

Square footage of proposed apartment: _____ (maximum 1,000 square feet)

I hereby request a hearing before the Zoning Board of Appeals with reference to the above petition or appeal. All of the information on this petition, to the best of my knowledge, is complete and accurate. I understand that I will be responsible for paying the cost of newspaper advertisements for my hearing, and for the cost of notifying the abutters to my property of the hearing by certified mail, return receipt, with notices provided to me by the Board. I also understand that I will be responsible for paying the costs of any engineering, architectural, legal or other consultants deemed necessary by the Zoning Board of Appeals to assist in its consideration of this application, pursuant to G.L. c.44, §53G and that failure to timely pay such costs shall constitute grounds for denial of this application.

Petitioner Signature:



Date:

8/17/21

Property Owner Signature:



Date:

8/17/21

Petitioner Telephone Number:

508 567 7635

Petitioner E-mail Address:

evergreenlandscaping72@gmail.com

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All applications for variances should be accompanied by two copies of a site plan, and one additional copy that must be 11" x 17" in size, all prepared by an engineer. **Be sure you provide enough copies that BOTH the Town Clerk's office AND the Board of Appeals receive copies.** Your site plan should include the following:

- (a) Existing and proposed street lines and names.
- (b) Existing and/or proposed buildings, including accessory buildings.
- (c) Existing and/or proposed driveways.
- (d) General locations of wetlands and waterways, if any.
- (e) Locations of wells and septic systems.
- (f) Soil types and conditions and groundwater table, if applicable.
- (g) Setback distances from streets and abutters.
- (h) Footage for all lines of the property and total area (in acres or square feet).

All applications for special permits for accessory apartments should be accompanied by two copies of a plan for the apartment, at least one of which must be 11" x 17" in size. **Be sure you provide enough copies that BOTH the Town Clerk's office AND the Board of Appeals receive copies.** Your plan should include the following:

- (a) Layout of the apartment in relation to the existing house.
- (b) Dimensions of rooms, and dimensions and overall square footage of the apartment.
- (c) If the apartment will require an addition to the home, the setback distances from streets and abutters.

PROJECT NARRATIVE VARIANCE REQUEST

For property located at 186½ Braley Road
Assessor's Map 252, Lot 38

Petition of Danielle Goncalves
805 County Street
Fall River, MA 02723

Submitted to: Members of the Freetown Zoning Board of Appeals
3 North Main Street
Assonet, MA 02702

Owner: Danielle Goncalves
805 County Street
Fall River, MA 02723

Applicant: Danielle Goncalves
805 County Street
Fall River, MA 02723

Current Conditions:

This location is currently a mostly a pine forest, with some recent clearing. There are no structures on the lot. The lot is on the west side of Braley Road and there is a wooded wetland toward the west end (rear) of the lot. The area of this parcel is 4.3 acres, with 2.1 acres being upland. The lot is zoned for residential use.

A wetlands investigation was undertaken by David Duranleau, Wetlands Specialist and Byron Holmes, P.E. on August 3, 2019. This evaluation consisted of a field reconnaissance of the parcel, with one wetland area being found. This wetland is a wooded area that runs across the entire width of the lot and continues off site. It is part of a large wetland complex to the northwest that is composed of coniferous, deciduous, and mixed tree wetlands, shrub swamps, open water, streams, deep marshes, and cranberry bogs. It is apparent that at one time, portions of the on-site wetland were a cranberry bog. The location of the wetland area is noted on the submitted Variance Plan.

Proposed Use:

The proposed development will involve the construction of one single-family home. Access to the parcel would be through a strip of land that provides 40 feet of frontage on Braley Road. This strip would be slightly modified to return a small portion of land that was previously owned by the residents at the abutting 188 Braley Road (Parcel A on Plan dated February 14, 1990 as submitted with this application).

Variance Relief Requested:

The applicant requests relief from the Freetown Zoning Bylaws as follows:

11.3. Lot Sizes & Setback Requirements

- A. Lot Size - Area: Land laid out into lots for any purpose after the adoption of this By-law shall have a minimum frontage on a street or way of 175 feet and a minimum area of 70,000 square feet, a minimum of 52,000 square feet of which must be of non- resource area (as defined by M.G.L. Chapter 13 1, 540); 30,000 square feet of this non- resource area must be contiguous. Newly created lots shall accommodate a one-hundred-foot diameter circle that touches the required frontage and is entirely within the lot being created.

ATM 3/7/59, ATM 3/6/71, ATM 3/10/73, STM 9/22/86, ATM 5/3/04, STM 11/8/04

The specific relief is to provide for 40 feet of frontage rather than the required 175 feet. All other minimums are being met. The requirement for the one-hundred-foot circle touching the frontage is not thought to apply since this is not a newly created lot.

Arguments:

This variance is sought because the existing configuration of the property makes use of the land unusable for residential purposes. The applicant has considerably more land than is required for a residential lot within the Town of Freetown, lacking only the frontage. The home would be able to be placed beyond the frontage area, thus allowing for a traditional size yard and placement.

The variance requested does not affect the zoning district as a whole but is unique to this parcel. Without a frontage variance, the applicant cannot reasonably use the property in a manner consistent with the zoning. The requested variance will not be detrimental to the public good, nor will it nullify or derogate from the intent or purpose of the by-law. The character of the zoning district will not be changed with the granting of this variance. This application proposes to provide an area for the lot 2.7 times of that required under current requirements. Other residential lots in the neighborhood have insufficient land area to meet today's zoning requirements.

Abutting lots have areas and frontage as follows:

182 Braley Road	Frontage = 51 Feet	Area = 0.120 acres
184 Braley Road	Frontage = 85 feet	Area = 0.250 acres
186 Braley Road	Frontage = 67 feet	Area = 0.549 acres
188 Braley Road	Frontage = 125 feet	Area = 0.689 acres

The applicant requests that the Board of Appeals consider this request for the stated variances, and that it agrees that the proposed use is beneficial to the intent of the Town in creation of the zoning district. Furthermore, the applicant requests that the Board find that the hardship and uniqueness of this request is appropriate to the conditions required in the granting of such variances.



TOWN OF FREETOWN
OFFICE OF THE
BUILDING COMMISSIONER

3 North Main Street
P.O. Box 438 - Assonet, Massachusetts 02702
Tel. (508) 644-2202
Fax (508) 644-2183

August 12, 2021

Danielle Goncalves
805 County Street
Fall River, Ma 02723

Re: Zoning Determination Denial

Dear Danielle,

This office has received an application for a Zoning Determination to construct a one Family structure at **#186 1/2 Braley Road Parcel 252-038**. The Application is denied because the lot does not meet the required recognize lot size, the required frontage for a lot is 175' and you have 40' showing of frontage. To be conforming to the Town Bylaw lot size it would need of 175'.

To allow a permit to be given, you would need to have the proper size lot. You have the right to appeal my decision to appeal to the Zoning Board of Appeals. The forms can be obtained from the Town Clerks office during normal business hours. Which you would have 30 days to appeal.

Very Truly Yours,



Jeffrey Chandler

Building Commissioner, Zoning Enforcement Officer

Cc: Office file, Town Clerk, Zoning Board of Appeals.

9
Tax Parcel #: 38)

This Document Prepared by:)

Donna M. Alves)

186 Braley Road, E. Freetown, Ma. 02717)

After Recording Return to:)

Danielle N. Oliveira)

805 County Street, Fall River, Ma. 02723)



2019 00006744

Bk: 9761 Pg: 324 Doc: DEED

Page: 1 of 9 05/03/2019 12:18 PM

Above this line reserved for official use only

Quitclaim Deed

KNOW ALL MEN BY THESE PRESENTS THAT:

On April 23, 2019, Alan L. Alves of 186 Braley Road, E. Freetown, Ma 02717 and Napoleon Alves Jr, of 69 Central Ave., E. Falmouth, Ma. 02536, (the "Grantors"), for and in consideration of the sum of \$1.00, the receipt of which is hereby acknowledged, does hereby remise and release, as well as quitclaim, unto Danielle N. Oliveira, not married, of 805 County Street, Fall River, Ma. 02723, (the "Grantee") as the sole tenant, all of the following lands and property, (vacant land on Braley Road, East Freetown) together with all improvements located thereon in the County of Bristol, Commonwealth of Massachusetts:

Town of Freetown Map13, lot 2, containing 4.3 acres more or less including 40" right of way running west off Braley Road into said parcel.

Prior Instrument Reference: Book 94, Page 48, Document No. Quick Claim Deed, of the Recorder of Bristol, MA.


The above premises are subject to all easements, rights-of-way, protective covenants and mineral reservations of record, if any.


The property conveyed in this deed is not part of the homestead of the Grantor.


TO HAVE AND TO HOLD the property unto the Grantee and the Grantee's heirs and assigns forever, with all appurtenances belonging on the property.

IN WITNESS WHEREOF the Grantor has executed this Quitclaim Deed on the day and year first above written.

Signed in the presence of:


Signature


Alan L. Alves


Name

Spousal Acknowledgement

I, Donna M. Alves of 186 Braley Road, E. Freetown, Ma 02717, spouse of Alan L. Alves, in accordance with the above Quitclaim Deed, and in consideration of the above sum and other good and valuable consideration received, do hereby waive and release to the Grantee all rights of dower, curtesy, homestead, community property, and all other right, title and interest, if any, in and to the above property.

Spouse's Signature:


COMMONWEALTH OF MASSACHUSETTS**COUNTY OF BRISTOL**

On this 23 day of April, 2019, the foregoing instrument was acknowledged before me, Crystal Austin, a notary public in and for the Commonwealth of Massachusetts, by Donna m. Alves, to be a free and voluntary act of the Grantor's spouse with all requisite lawful authority.

Witness my hand and official seal.

Crystal Austin (SEAL)
Notary Public for the Commonwealth of Massachusetts

County of

Bristol
My commission expires: 5/21/21

Grantor Acknowledgement

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BRISTOL

On this 23 day of April, 2019, the foregoing instrument was acknowledged before me, Crystal L. Austin, a notary public in and for the Commonwealth of Massachusetts, by Alan L. Alves, to be a free and voluntary act of the Grantor with all requisite lawful authority.

Witness my hand and official seal.

Crystal L. Austin (SEAL)
Notary Public for the Commonwealth of Massachusetts

County of Bristol

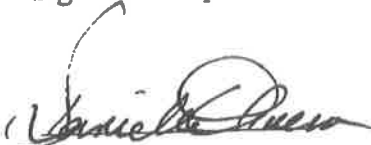
My commission expires: 5/21/21


Send tax statements to:

Danielle N. Oliveira
805 County Street, Fall River, ma. 02723

IN WITNESS WHEREOF the Grantor has executed this Quitclaim Deed on the day and year first above written.

Signed in the presence of:


Signature


Napoleon Alves Jr.

Spousal Acknowledgement

I, Elaine. Alves of 186 Braley Road, E. Freetown, Ma 02717, spouse of Napoleon Alves Jr., in accordance with the above Quitclaim Deed, and in consideration of the above sum and other good and valuable consideration received, do hereby waive and release to the Grantee all rights of dower, curtesy, homestead, community property, and all other right, title and interest, if any, in and to the above property.

Spouse's Signature: *Elaine Alves*

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BRISTOL

On this 23 day of April, 2019, the foregoing instrument was acknowledged before me, Crystal L. Austin, a notary public in and for the Commonwealth of Massachusetts, by Elaine Alves, to be a free and voluntary act of the Grantor's spouse with all requisite lawful authority.

Witness my hand and official seal.

Crystal L. Austin (SEAL)
Notary Public for the Commonwealth of Massachusetts

County of Bristol

My commission expires: 5/21/21

Grantor Acknowledgement

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BRISTOL

On this 23 day of April, 2019, the foregoing instrument was acknowledged before me, Crystal L. Austin, a notary public in and for the Commonwealth of Massachusetts, by Napoleon Alves Jr., to be a free and voluntary act of the Grantor with all requisite lawful authority.

Witness my hand and official seal.

Crystal L. Austin (SEAL)

Notary Public for the Commonwealth of Massachusetts

County of Bristol

My commission expires: 5/21/21

Send tax statements to:

Danielle N. Oliveira
805 County Street, Fall River, ma. 02723

ATTEST: BR. COUNTY, F.R. DIST.
Bernard J McDonald III Register

186½ Braley Road

<u>Date recorded</u>	<u>Book, Page and Transfer</u>
August 31, 1914	Book 197, Page 518 Ezra Westgate transferred to Candida Andrade
March 28, 1960	Book 729, Page 49 Madeicha Alves as Administratrix of the Estate of Candida Andrade transferred to Madeicha Alves
March 24, 1970	Book 976, Page 266 Several owners to Madeicha Alves (abutting parcel)
June 8, 1971	Book 1007, Page 85 186 Braley Road transferred from Madeicha Alves to Alan and Donna Alves (abutting parcel)
March 1, 1990	Book 2200, Page 307 Variance granted August 26, 1971 for Alan Alves to build home on above lot
June 2, 1972	Book 1039, Page 139 188 Braley Road transferred from Madeicha Alves to Benjamin and Eugenia Andrews Jr. – portion of 1960 parcel
Feb. 26, 1990	Book 2199, Page 164 and 166 40-foot right of way reconfigured, effecting property lines of 186 and 188 Braley Road
Nov. 15, 2019	Book 9937, Page 327 186½ Braley Road (Remaining 4.3-acre parcel) transferred by Madeicha Alves Szlarski f/k/a Madeicha Alves, to Alan Alves and Napoleon Alves Prohibition of transfer of property for period of life of Madeicha Alves without her permission Deed dated Feb. 6, 1991 Deed notarized Feb. 6, 1991 Deed recorded on November 15, 2019
May 3, 2019	Book 9761, Page 324 186½ Braley Road transferred by Alan and Napoleon Alves to Danielle Oliveira



300 foot Abutters List Report

Freetown, MA
June 17, 2021

Subject Property:

Parcel Number: 252-038
CAMA Number: 252-038
Property Address: 186 1/2 BRALEY RD

Mailing Address: OLIVEIRA DANIELLE N
805 COUNTY ST
FALL RIVER, MA 02723

Abutters:

Parcel Number: 252-020.03
CAMA Number: 252-020.03
Property Address: 0 KAYLA WAY

Mailing Address: FOUQUETTE DAVID P
42 CHIPAWAY RD
E FREETOWN, MA 02717

Parcel Number: 252-028
CAMA Number: 252-028
Property Address: 46 CHIPAWAY RD

Mailing Address: FOUQUETTE DAVID P & DOREEN
46 CHIPAWAY RD
E FREETOWN, MA 02717

Parcel Number: 252-029
CAMA Number: 252-029
Property Address: 44 CHIPAWAY RD

Mailing Address: LEWIS SETH
154 ADAMSVILLE RD
WESTPORT, MA 02790-5020

Parcel Number: 252-030
CAMA Number: 252-030
Property Address: 42 CHIPAWAY RD

Mailing Address: FOUQUETTE DAVID P & DOREEN C
FOUQUETTE REVOCABLE R E TRST
42 CHIPAWAY RD
E FREETOWN, MA 02717

Parcel Number: 252-031
CAMA Number: 252-031
Property Address: 40 CHIPAWAY RD

Mailing Address: WHITE ELAINE P & HAROLD M
40 CHIPAWAY RD
E FREETOWN, MA 02717

Parcel Number: 252-032
CAMA Number: 252-032
Property Address: 36 CHIPAWAY RD

Mailing Address: WESTGATE JOYCE M & BARBARA J
REYNOLDS ELI JR
87 BULLOCK RD
E FREETOWN, MA 02717

Parcel Number: 252-033
CAMA Number: 252-033
Property Address: 32 CHIPAWAY RD

Mailing Address: REYNOLDS ROBERT P & LINDA J
32 CHIPAWAY ROAD
E FREETOWN, MA 02717

Parcel Number: 252-035
CAMA Number: 252-035
Property Address: 192 BRALEY RD

Mailing Address: VIGEANT DONALD L & PAULINE C TRS -
190 BRALEY RD REALTY TR
P O BOX 456
E FREETOWN, MA 02717

Parcel Number: 252-036
CAMA Number: 252-036
Property Address: 190 BRALEY RD

Mailing Address: VIGEANT DONALD L & PAULINE C T
457 NORTH AV
ROCHESTER, MA 02770

Parcel Number: 252-037
CAMA Number: 252-037
Property Address: 188 BRALEY RD

Mailing Address: ANDREWS BENJAMIN JR & EUGENIA
188 BRALEY RD
E FREETOWN, MA 02717



www.cai-tech.com

6/17/2021

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Page 1 of 2



300 foot Abutters List Report

Freetown, MA
June 17, 2021

Parcel Number: 252-039
CAMA Number: 252-039
Property Address: 186 BRALEY RD

Mailing Address: ALVES ALAN L & DONNA M
186 BRALEY RD
E FREETOWN, MA 02717

Parcel Number: 252-040
CAMA Number: 252-040
Property Address: 184 BRALEY RD

Mailing Address: SANTOS GERALD
184 BRALEY RD
E FREETOWN, MA 02717

Parcel Number: 252-041
CAMA Number: 252-041
Property Address: 182 BRALEY RD

Mailing Address: MADIKIT LLC
16192 COASTAL HWY
LEWES, DE 19958

Parcel Number: 252-042
CAMA Number: 252-042
Property Address: 180 BRALEY RD

Mailing Address: FOUR BROTHERS REALTY LLC
1031 PHILLIPS ROAD
NEW BEDFORD, MA 02745

Parcel Number: 252-042.01
CAMA Number: 252-042.01
Property Address: 0 BRALEY RD

Mailing Address: OWNERS UNKNOWN C/O ASSESSORS
P O BOX 438
ASSONET, MA 02702

Parcel Number: 253-006
CAMA Number: 253-006
Property Address: 179 BRALEY RD

Mailing Address: BRODEUR MICHAEL A & LINDA M
179 BRALEY RD
E FREETOWN, MA 02717

Parcel Number: 253-006.01
CAMA Number: 253-006.01
Property Address: 181 BRALEY RD

Mailing Address: RACHED GEORGES ABI & MARIA
ZALLOUM
181 BRALEY RD
E FREETOWN, MA 02717

Parcel Number: 253-006.02
CAMA Number: 253-006.02
Property Address: 183 BRALEY RD

Mailing Address: ALVES ALAN JR
186 BRALEY RD
E FREETOWN, MA 02717

Parcel Number: 253-007
CAMA Number: 253-007
Property Address: 185 BRALEY RD

Mailing Address: BARROS MARIA A & ALFRED C
185 BRALEY ROAD
E FREETOWN, MA 02717

Parcel Number: 253-008
CAMA Number: 253-008
Property Address: 187 BRALEY RD

Mailing Address: GONSALVES CRAIG
187 BRALEY RD
E FREETOWN, MA 02717

Michael T. McCune



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6/17/2021

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